IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.175 OF 2006

FROM

NOTICE OF MOTION NO.794 OF 2006

IN

L.C.SUIT NO.1047 OF 2006

WITH

CIVIL APPLICATION NO.243 OF 2006

Edna Mathew Thekkakara ...Appellant

Versus

Mrs.Tassy Joseph Demello & Ors. ...Respondents

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Mr.A.K.Abhyankar i/b Mr.P.G.Praveen for Appellant.

Mr.A.Y.Sakhare, Sr.Counsel with Mr.Singh for Respondents 1 to 4.

Mr.Reis i/b Mr.Bipin Joshi for Respondent No.5.

Mr.A.R.Patil, A.G.P. for Respondent No.6, 13 & 14.

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CORAM: A.M.KHANWILKAR, J.

MARCH 17, 2006.

P.C.

1. Heard Counsel for the parties.

2. After hearing Counsel for the parties for some time, it was agreed that the Court may not record any reasons pointing out the infirmities in the order passed by the Trial Court refusing to grant ad-interim relief, as the matter is still at ad-interim stage.

3. It is agreed that instead, the Trial Court may finally dispose of the Notice of Motion on its own merits in accordance with law. Till such time, the interim arrangement directed by this Court in terms of order dated 14th March 2006 shall continue. By the said order dated 14th March 2006, it was made clear that any work already undertaken or to be continued on the suit property will be subject to the outcome of the present proceedings, which would now apply to the proceedings pending before the Trial Court in the form of Notice of Motion. Besides, assurance given by he Counsel for the Respondent/Defendant No.5 that they will not precipitate the issuance of Development Right

Certificate till 17th March 2006 will now continue till the disposal of the Notice of Motion.

4. The parties have assured through Counsel before this Court that they will complete the pleadings at the earliest and extend full cooperation to the Trial Court for early disposal of the Notice of Motion. The parties shall complete the pleadings on or before 3rd April 2006, whereafter, the Trial Court shall make endeavour to finally dispose of the Notice of Motion by the end of April 2006.

5. The parties assure through their Counsel that the Motion will be argued without any request for adjournment on any count on the date notified by the Trial Court so as to facilitate the Trial Court to dispose of the Notice of Motion by the end of April 2006.

6. It is once again made clear that all questions are left open to be decided on their own merits in accordance with law by the Trial Court in

the pending Notice of Motion.

7. Appeal as well as the cognate Civil Application disposed of on the above terms.

A.M.KHANWILKAR, J.